

AMENDED IN ASSEMBLY APRIL 24, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1015

Introduced by Assembly Member Laird

February 20, 2003

An act to amend Section 65302 of the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

AB 1015, as amended, Laird. Land use: water supply.

(1) Existing law requires a city or county general plan to include a specified land use element, requires the city or county to use a water agency's water management plan as a source document upon the adoption or revision of its general plan on or after January 1, 1996, and requires specified public water systems to provide certain information to the city or county planning agency upon notification of the proposed adoption or amendment of a general plan.

This bill would require the land use element of the general plan to ~~be amended~~ *include*, by July 1, 2006, ~~to identify existing and planned a statement of sources of water supply, including groundwater, that are expected to be adequate to serve existing and planned future development and land uses in average, dry, and multiple dry years and potential sources~~, as specified. The bill would delete obsolete provisions. The bill would create a state-mandated local program by imposing new duties on local agencies. The bill would authorize the use of designated fees to cover the costs of the water supply component of the land use element of the general plan.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares as follows:

2 (a) It is essential for the health and welfare of the people of this
3 state that (1) there be adequate water supplies for our existing and
4 future populations, (2) there be full coordination between cities
5 and counties and water purveyors regarding the availability and
6 adequacy of water supplies for development, and (3) cities and
7 counties use appropriate water supply information in land use
8 planning.

9 (b) Land use planning is a local function. However, land use
10 decisions can affect the location where water is needed, and can
11 affect groundwater recharge.

12 (c) Full and early consideration of water supply information
13 will promote better planning, allow more cost-effective public
14 investments, increase predictability of development decisions, and
15 reduce costly litigation.

16 SEC. 2. Section 65302 of the Government Code is amended
17 to read:

18 65302. The general plan shall consist of a statement of
19 development policies and shall include a diagram or diagrams and
20 text setting forth objectives, principles, standards, and plan
21 proposals. The plan shall include the following elements:

22 (a) (1) A land use element that designates the proposed general
23 distribution and general location and extent of the uses of the land
24 for housing, business, industry, open space, including agriculture,
25 natural resources, recreation, and enjoyment of scenic beauty,
26 education, public buildings and grounds, solid and liquid waste
27 disposal facilities, and other categories of public and private uses
28 of land.



(2) The land use element shall include a statement of the standards of population density and building intensity recommended for the various districts and other territory covered by the plan.

~~(3) (A) Unless an extension is granted pursuant to Section 65361, no later than July 1, 2006, the land use element shall be amended to identify existing and planned sources of water supply, including groundwater, that are expected to be adequate to serve existing and planned future development and land uses in average, dry, and multiple dry years. The city or county shall consider relevant information, including information provided pursuant to Section 65352.5, any urban water management plan prepared pursuant to Section 10620 of the Water Code, and any adopted groundwater management plans and ordinances, and shall do all of the following:~~

~~(i) Inventory existing surface water and groundwater supplies that are available to serve needs within the jurisdiction.~~

~~(ii) Assess present and future water needs within the jurisdiction for the time period to be addressed by the general plan under average, dry, and multiple dry year conditions and estimate any shortage in meeting these needs.~~

~~(iii) Identify potential future sources of additional surface water and groundwater, including, but not limited to, conjunctive use, recycled water, conservation, additional storage of surface water and groundwater, and desalination.~~

~~(iv) Identify critical groundwater recharge areas that should be developed in a way that allows recharge and protects against contamination by pollutants.~~

~~(v) If the sources of water supply identified in the water supply component include groundwater, the city or county shall discuss, based on available information, the status of the relevant groundwater basin and the extent of known contamination.~~

(3) (A) The land use element shall include a statement of sources of water supply and potential sources expected to serve the generally proposed distribution and density of land uses designated in the land use element pursuant to paragraphs (1) and (2). The statement shall incorporate relevant information available from current urban water management plans for areas within the jurisdiction prepared pursuant to Section 10620 of the Water Code, official bulletins of the Department of Water

1 *Resources, water supply assessments prepared pursuant to Section*
2 *10910 of the Water Code for projects located wholly or partly*
3 *within the jurisdiction, and other reliable sources. The water*
4 *supply component of the land use element shall be prepared and*
5 *adopted no later than July 1, 2006, unless an extension is granted*
6 *pursuant to Section 65361.*

7 (B) The water supply component of the general plan shall be
8 prepared by the city or county in consultation with the water
9 suppliers or with a regional water management group, as defined
10 by Section 10537 of the Water Code.

11 (C) This component shall be submitted for review and
12 comment to any ~~water service provider~~ *public water system with*
13 *3,000 or more connections* serving the area subject to the plan at
14 least 60 days prior to the component's adoption or amendment.

15 (D) Preparation of the water supply component required by this
16 section may be funded by fees collected pursuant to Section 66014.

17 (E) The water supply component required by this section may
18 be placed in an optional element, instead of the land use element,
19 provided that it addresses community development consistent
20 with the land use element.

21 (4) The land use element shall identify areas covered by the
22 plan that are subject to flooding and shall be reviewed annually
23 with respect to those areas.

24 (5) The land use element shall designate in a land use category
25 that provides for timber production those parcels of real property
26 zoned for timberland production pursuant to the California
27 Timberland Productivity Act of 1982, Chapter 6.7 (commencing
28 with Section 51100) of Part 1 of Division 1 of Title 5.

29 (6) The land use element shall consider the impact of new
30 growth on military readiness activities carried out on military
31 bases, installations, and operating and training areas, when
32 proposing zoning ordinances or designating land uses covered by
33 the general plan for land, or other territory adjacent to military
34 facilities, or underlying designated military aviation routes and
35 airspace.

36 (A) In determining the impact of new growth on military
37 readiness activities, information provided by military facilities
38 shall be considered. Cities and counties shall address military
39 impacts based on information that the military provides.

40 (B) The following definitions govern this paragraph:

1 (i) “Military readiness activities” mean all of the following:

2 (I) Training, support, and operations that prepare the men and
3 women of the military for combat.

4 (II) Operation, maintenance, and security of any military
5 installation.

6 (III) Testing of military equipment, vehicles, weapons, and
7 sensors for proper operation or suitability for combat use.

8 (ii) “Military installation” means a base, camp, post, station,
9 yard, center, homeport facility for any ship, or other activity under
10 the jurisdiction of the United States Department of Defense as
11 defined in paragraph (1) of subsection (e) of Section 2687 of Title
12 10 of the United States Code.

13 (b) A circulation element consisting of the general location and
14 extent of existing and proposed major thoroughfares,
15 transportation routes, terminals, any military airports and ports,
16 and other local public utilities and facilities, all correlated with the
17 land use element of the plan.

18 (c) A housing element as provided in Article 10.6
19 (commencing with Section 65580).

20 (d) A conservation element for the conservation, development,
21 and utilization of natural resources including water and its
22 hydraulic force, forests, soils, rivers and other waters, harbors,
23 fisheries, wildlife, minerals, and other natural resources. The
24 conservation element shall consider the effect of development
25 within the jurisdiction, as described in the land use element, on
26 natural resources located on public lands, including military
27 installations. That portion of the conservation element including
28 waters shall be developed in coordination with any countywide
29 water agency and with all district and city agencies that have
30 developed, served, controlled or conserved water for any purpose
31 for the county or city for which the plan is prepared. Coordination
32 shall include the discussion and evaluation of any water supply and
33 demand information described in Section 65352.5, if that
34 information has been submitted by the water agency to the city or
35 county. The conservation element may also cover the following:

36 (1) The reclamation of land and waters.

37 (2) Prevention and control of the pollution of streams and other
38 waters.

39 (3) Regulation of the use of land in stream channels and other
40 areas required for the accomplishment of the conservation plan.

1 (4) Prevention, control, and correction of the erosion of soils,
2 beaches, and shores.

3 (5) Protection of watersheds.

4 (6) The location, quantity and quality of the rock, sand and
5 gravel resources.

6 (7) Flood control.

7 (e) An open-space element as provided in Article 10.5
8 (commencing with Section 65560).

9 (f) A noise element which shall identify and appraise noise
10 problems in the community. The noise element shall recognize the
11 guidelines established by the Office of Noise Control in the State
12 Department of Health Services and shall analyze and quantify, to
13 the extent practicable, as determined by the legislative body,
14 current and projected noise levels for all of the following sources:

15 (1) Highways and freeways.

16 (2) Primary arterials and major local streets.

17 (3) Passenger and freight on-line railroad operations and
18 ground rapid transit systems.

19 (4) Commercial, general aviation, heliport, helistop, and
20 military airport operations, aircraft overflights, jet engine test
21 stands, and all other ground facilities and maintenance functions
22 related to airport operation.

23 (5) Local industrial plants, including, but not limited to,
24 railroad classification yards.

25 (6) Other ground stationary noise sources, including, but not
26 limited to, military installations, identified by local agencies as
27 contributing to the community noise environment.

28 Noise contours shall be shown for all of these sources and stated
29 in terms of community noise equivalent level (CNEL) or day-night
30 average level (L_{dn}). The noise contours shall be prepared on the
31 basis of noise monitoring or following generally accepted noise
32 modeling techniques for the various sources identified in
33 paragraphs (1) to (6), inclusive.

34 The noise contours shall be used as a guide for establishing a
35 pattern of land uses in the land use element that minimizes the
36 exposure of community residents to excessive noise.

37 The noise element shall include implementation measures and
38 possible solutions that address existing and foreseeable noise
39 problems, if any. The adopted noise element shall serve as a

1 guideline for compliance with the state's noise insulation
2 standards.

3 (g) A safety element for the protection of the community from
4 any unreasonable risks associated with the effects of seismically
5 induced surface rupture, ground shaking, ground failure, tsunami,
6 seiche, and dam failure; slope instability leading to mudslides and
7 landslides; subsidence, liquefaction and other seismic hazards
8 identified pursuant to Chapter 7.8 (commencing with Section
9 2690) of the Public Resources Code, and other geologic hazards
10 known to the legislative body; flooding; and wild land and urban
11 fires. The safety element shall include mapping of known seismic
12 and other geologic hazards. It shall also address evacuation routes,
13 military installations, peakload water supply requirements, and
14 minimum road widths and clearances around structures, as those
15 items relate to identified fire and geologic hazards. Prior to the
16 periodic review of its general plan and prior to preparing or
17 revising its safety element, each city and county shall consult the
18 Division of Mines and Geology of the Department of Conservation
19 and the Office of Emergency Services for the purpose of including
20 information known by and available to the department and the
21 office required by this subdivision.

22 To the extent that a county's safety element is sufficiently
23 detailed and contains appropriate policies and programs for
24 adoption by a city, a city may adopt that portion of the county's
25 safety element that pertains to the city's planning area in
26 satisfaction of the requirement imposed by this subdivision.

27 At least 45 days prior to adoption or amendment of the safety
28 element, each county and city shall submit to the Division of Mines
29 and Geology of the Department of Conservation one copy of a
30 draft of the safety element or amendment and any technical studies
31 used for developing the safety element. The division may review
32 drafts submitted to it to determine whether they incorporate known
33 seismic and other geologic hazard information, and report its
34 findings to the planning agency within 30 days of receipt of the
35 draft of the safety element or amendment pursuant to this
36 subdivision. The legislative body shall consider the division's
37 findings prior to final adoption of the safety element or
38 amendment unless the division's findings are not available within
39 the above prescribed time limits or unless the division has
40 indicated to the city or county that the division will not review the

1 safety element. If the division's findings are not available within
2 those prescribed time limits, the legislative body may take the
3 division's findings into consideration at the time it considers future
4 amendments to the safety element. Each county and city shall
5 provide the division with a copy of its adopted safety element or
6 amendments. The division may review adopted safety elements or
7 amendments and report its findings. All findings made by the
8 division shall be advisory to the planning agency and legislative
9 body.

10 SEC. 3. No reimbursement is required by this act pursuant to
11 Section 6 of Article XIII B of the California Constitution because
12 a local agency or school district has the authority to levy service
13 charges, fees, or assessments sufficient to pay for the program or
14 level of service mandated by this act, within the meaning of
15 Section 17556 of the Government Code.

